

REMARKS

The application has been amended to place the application in condition for allowance at the time of the next Official Action.

Replacement drawings are submitted for Figures 1 and 4 to address the drawing objections noted in the Official Action.

In Figure 1, reference numerals 27 and 50 are deleted. In addition, the lead lines for reference numerals 25 and 26 are changed to denote the mat of fibers consistent with page 5, lines 20-26 of the application as filed. Further, reference numerals 10, 21 and 40 are moved from on top of the device to the periphery of the device for clarity.

In Figure 4, reference numerals 3 and 28 are added consistent with the application as filed on page 3, lines 15-24 and page 4, lines 24-26. By this amendment, it is clarified that sandwich core 4 is between layers 3 and 5 to form a construction element sandwich as disclosed on page 3, lines 15-24 of the application as filed.

The above-noted changes are the only changes and are believed not to introduce new matter.

Claims 1-25 were previously pending in the application. Claims 19-25 are withdrawn from consideration as being directed to a non-elected invention.

Claims 4, 6, 13 and 15 were rejected under 35 USC §112, second paragraph.

Claim 4 is amended to clarify "additional fiber" and in conjunction with Figure 4 one of ordinary skill in the art would understand that the core is an additional layer that is sandwiched between two thermoplastic layers (3 and 5 of Figure 4). Claim 6 is amended to remove the word "another". Antecedent basis is provided for "the electric supply cables" and "the temperature sensor" as recited in claims 13 and 15. Accordingly, the 35 USC §112, second paragraph rejection is believed overcome and should be withdrawn.

To address the claim objection noted in the Official Action, the reference numerals in the claims have been removed.

Claims 1-3, 5, 7 and 9-18 are rejected as anticipated by RUTHERFORD 6,263,158. This rejection is respectfully traversed.

Claim 1 is amended and includes at least one layer comprising a resistance element and a first layer formed of a fiber reinforced thermoplastic mat. The resistance element and the fiber reinforced thermoplastic mat form a lamination without any additional layer therebetween.

RUTHERFORD in Figure 3, for example, shows a polymer layer 113 having fibers 112 disposed throughout as a woven or non-woven fabric. RUTHERFORD also teaches a heating wire 26. However, RUTHERFORD also teaches a fibrous support layer 114 and an adhesive layer 116 between the heating wire 26 and the polymer layer 113 (reinforced with fibers 112).

RUTHERFORD at column 5, lines 5-10 discloses that in order to support a heating element, the fibrous support layer 114 is necessary to hold the heating element in place while the polymer layer 113 is applied under pressure. Column 5, lines 13-15 of RUTHERFORD further disclose that the fibrous support layer should be resilient enough to allow viscous polymer materials, which contain large amounts of glass fibers and ceramic powder, to pass through its coarse openings without substantially deforming the circuit.

Since RUTHERFORD requires the condition of at least the fibrous support layer between the thermoplastic and the resistance element, RUTHERFORD does not anticipate the lamination of the resistance element and a thermoplastic without any additional layer therebetween.

As the reference does not disclose that which is recited, the anticipation rejection is not viable. Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 2-3, 7 and 9-18 depend from claim 1 and further define the invention and are also believed patentable over RUTHERFORD.

In view of the present amendment and the foregoing remarks, it is believed that the present application has been placed in condition for allowance. Reconsideration and allowance are respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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APPENDIX:

The Appendix includes the following items:

- replacement drawing sheets

AMENDMENTS TO THE DRAWINGS:

Replacement drawings are submitted for Figures 1 and 4. In Figure 1, elements 27 and 50 are deleted. The lead line for elements 25 and 26 is changed to point to the mat of reinforcement fibers and thermoplastic fibers as disclosed on page 5, lines 20-24 of the application as filed. Reference numerals 10, 21 and 40 are removed from on top of the device and brought to a perimeter of the device.

In Figure 4, reference numerals 3 and 28 are added consistent with the disclosure on page 3, lines 15-24 and page 4, lines 24-26 of the application as filed.